



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH
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October 9, 2002

TO: Washington State Board of Health Members

FROM: Carl Osaki, Member

**RE: UPDATE ON CR-101 FOR CHAPTER 246-217 WAC—APPLICABILITY
OF FOOD WORKER CARDS TO ADULT FAMILY HOMES**

Summary

The Board heard from Adult Family Home Association of Washington representative Craig Fredrickson and adult family home (AFH) lobbyist Bill Day in January 2002. They expressed concerns about the requirement under Chapter 246-217 WAC that all AFH food handlers obtain food worker cards (see attached Fredrickson letter). The Board chair directed staff to meet with Mr. Fredrickson and Mr. Day to discuss whether there might be ways to address their concerns within the context of the Governor's partial veto message stressing the importance of food safety in AFHs (see attached partial veto of Substitute House Bill 1320).

Through several discussions and meetings, representatives of the Board, AFHs, the Department of Health (DOH), the Department of Social and Health Services (DSHS), and the Governor's Office agreed to recommend that the Board limit the applicability of Chapter 246-217 WAC to AFH providers and resident managers. As sponsor for the Board's environmental health rules, I asked the Board's executive director to issue a CR-101 providing public notice that the Board was considering a change to this rule change (attached). Because of the high level of interest in this issue, I also asked for the opportunity to update the Board on addressing the Governor's and the AFH stakeholders' concerns regarding food safety in AFHs. I expect the Board will be able to hold the CR-102 public hearing within the next six months.

Recommended Board Motion

No action recommended.

Background

In October 2000 the Board received a petition from a representative of the adult family home community to repeal WAC 246-217-010. The petition argued that the AFH community was not properly included in the rulemaking process and that DOH did not follow the appropriate process. The Board discussed this issue in November 2000 and denied the petition on the finding that DOH followed appropriate protocol and the rule was properly adopted. The Board asked DOH to solicit broad input regarding the level of food safety training necessary to protect the health of adult family home residents and to report recommendations to the Board by May 2001.

Legislation passed in the 2001 session and the Governor's veto of sections of that legislation made this request moot. During the session, the Board worked with then-Representative Carolyn Edmonds, DOH, DSHS, and AFH lobbyists to negotiate language in Section 9 of Substitute House Bill 1320 and Senate Bill 5521, companion bills relating to food handling practices in adult family homes. The revised language would have exempted adult family home providers, managers, and employees from needing to obtain food handler permits under WAC 246-217-010. Instead, the proposed legislation would have ensured that workers in adult family homes received food handler training (pursuant to Chapter 69.09 RCW) through the mandatory Department of Social and Health Services (DSHS) education program. In May 2001, Governor Locke vetoed this revised language, and his veto message reinforced the need for employees of adult family homes to obtain food worker cards in a timely, efficient, and effective manner.

In July 2001, Mary Selecky and I met with staff members from the Board, DOH, and DSHS to discuss food safety in adult family homes and the significance of the Governor's veto. The group agreed that food workers in adult family homes should continue to be subject to requirements outlined in WAC 246-217-010 with no exceptions. DSHS and DOH worked together on a letter that was sent on November 1, 2001 to all AFH operators in the state reminding them of their obligation to comply with the Board's rule related to food handler cards.

The Board heard from Adult Family Home Association of Washington representative Craig Fredrickson and AFH lobbyist Bill Day in January 2002. They testified to their concerns regarding the inclusion of adult family homes in Chapter 246-217 WAC (see attached letter from Craig Fredrickson). The Board chair directed staff to meet with Craig Fredrickson and Bill Day to discuss ways to address their concerns within the context of the Governor's veto.

Through several discussions and meetings, Board staff, AFH, DOH, DSHS, and Governor's Office representatives reached an agreement to recommend that the Board consider limiting the applicability of Chapter 246-217 WAC to AFH providers and resident managers. This will ensure that AFH staff members with the greatest influence on food safety receive timely food safety training. DSHS staff will coordinate proposed revision of its rule (Chapter 388-76-650 WAC) to incorporate possible changes to Chapter 246-217 WAC. DSHS, DOH, and AFH associations will coordinate informing AFH providers of the proposed rule changes. This will ensure efficient and effective implementation of Chapter 246-217 WAC for AFH providers and resident managers.

Attachments